

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA

Alexandria Division



UNITED STATES OF AMERICA, )  
 )  
 v. )  
 )  
 YIMMY ANTHONY PINEDA )  
 PENADO, aka "CRITICO," )  
 aka "SPIKE," )  
 )  
 DEFENDANT. )

UNDER SEAL

CRIMINAL NO. 1:12MJ 453

Hon. Ivan D. Davis

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Richard M. Baer, Special Agent of the Federal Bureau of Investigation (hereafter "FBI"), being duly sworn, do depose and state that:

1. I am a Special Agent of the FBI and have been employed as such since October 2006. I am currently assigned to a squad that investigates violent gangs, criminal enterprises, and the corresponding criminal offenses that these groups commit, out of the Northern Virginia Resident Agency of the Washington, D.C. Field Office of the FBI and I have been assigned to this squad since August 2008.

2. I have attended classes and courses conducted by the FBI and other government agencies regarding the conduct of various criminal activities by persons and/or groups who are gang members. I have participated in a number of criminal investigations conducted by the FBI, Immigrations and Customs Enforcement (hereafter ICE), and other law enforcement agencies, which resulted in the arrest of numerous subjects, the recovery of weapons, and the identification of victims. In addition, as a result of my training and experience, I am familiar with how persons

who are members of violent gangs use various criminal enterprise schemes, including sex trafficking and prostitution, to conduct their activities.

3. I have become knowledgeable with the enforcement of state and federal laws pertaining to gang participation, offenses against persons, and property offenses.

4. This affidavit is made in support of an arrest warrant and criminal complaint charging that YIMMY ANTHONY PINEDA PENADO (hereafter "PINEDA PENADO"), a.k.a. "Critico," a.k.a. "Spike," did knowingly, in or affecting interstate or foreign commerce, recruit, entice, harbor, transport, provide, obtain, and maintain by any means a person, knowing, or in reckless disregard of the fact, that the person had not attained the age of 18 years and would be caused to engage in a commercial sex act, and aided and abetted the same in violation of Title 18, United States Code, Sections 1591(a)(1) and 2.

5. The facts and information contained in this affidavit are based upon my personal knowledge and information obtained from other federal and state law enforcement officers. All observations referenced in this affidavit that were not made by me were related to me by the person who made such observations.

6. Since this affidavit is being submitted for the limited purpose of obtaining a criminal complaint and arrest warrant, it is not intended to include each and every fact observed by me or known to the government. I have set forth only those facts necessary to support probable cause.

7. PINEDA PENADO, as a result of a recent felony conviction, is now unlawfully in the United States. PINEDA PENADO is also a self-admitted member of the violent, international street gang Mara Salvatrucha 13 (hereafter "MS-13"). MS-13 has members located across the United States and throughout Central and North America. At present, PINEDA

PENADO is incarcerated in Montgomery County, Maryland, at a location known to law enforcement.

8. On October 27, 2011, law enforcement interviewed a cooperating defendant and former MS-13 associate (“MS1”).<sup>1</sup> MS1 stated that PINEDA PENADO was not only an MS-13 member, but was the leader of the Pinos Locos Salvatrucha (hereafter “PLS”) clique of MS-13 and had approximately 25-30 MS-13 members who reported to him. According to MS1, as a clique leader, PINEDA PENADO exercised a lot of influence and power over MS-13 members and their criminal activity.

9. PINEDA PENADO and MS1 worked together in operating a juvenile prostitution scheme for a few months. According to MS1, PINEDA PENADO knew that the girls he was prostituting were only juveniles. MS1 stated that he used to drive PINEDA PENADO to prostitution appointments. According to MS1, PINEDA PENADO used three to four locations for his business and generally “worked” two juvenile prostitutes per week. PINEDA PENADO generally stayed with the girls he was prostituting and provided them with alcohol and marijuana to further his prostitution scheme. MS1 stated that PINEDA PENADO often purchased Hurricane beer, forty ounce bottles of beer, and 4 Locos brand malt liquor at local convenience stores. All of these items were purchased to keep the girls he was prostituting more compliant and further his prostitution scheme. In addition, MS1 stated that PINEDA PENADO also purchased Trojan brand condoms to be used by the juvenile females when meeting with prostitution clients.

10. MS1 recounted that PINEDA PENADO and MS1 shared hotel room costs for the purpose of prostituting juvenile females. PINEDA PENADO also helped MS1 with his juvenile

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MS1 was previously convicted of sex trafficking of children.

prostitution business by getting him clients, after which PINEDA PENADO got a cut of the profits. MS1 estimates that PINEDA PENADO got him approximately 15 clients.

11. MS1 recalled that during the fall of 2009, he, (MS1) was at a hotel in Falls Church, Virginia where law enforcement was present and beginning to canvass the guests. MS1 was at the hotel prostituting multiple juvenile victims. Consequently, MS1 fled the hotel and left the juvenile females behind.

12. According to MS1, the next morning, PINEDA PENADO went back to the hotel and picked up the two juvenile females and transported them from Virginia to Maryland so that he could continue to prostitute the girls.

13. In the fall of 2011, I participated in the interview of a self-admitted MS-13 member ("MS2"). Prior to the interview, MS2 pled guilty to two counts of Title 18, United States Code, Section 1591, Sex Trafficking of Children, and admitted to having run an underground prostitution business involving two underage runaway females. During the interview, MS2 stated that PINEDA PENADO prostituted multiple juvenile females. MS2 relayed that PINEDA PENADO called him on two to three occasions asking if MS2 would be interested in working together on their respective prostitution businesses. PINEDA PENADO advised MS2 that he had a lot of clients to offer and told MS2 to call him if he wanted to do business together. MS2 declined the offer because he did not trust PINEDA PENADO. According to MS2, PINEDA PENADO called him in and around December of 2010.

14. In the fall of 2011, members of the FBI interviewed MS3, a former member of MS-13, who stated that PINEDA PENADO transported two juvenile females to a relative of MS3's house in Northern Virginia where MS3 and another MS-13 member were provided oral sex by the two juvenile females at a cost of \$20 per person. On another occasion, MS3 observed

PINEDA PENADO prostitute an underage female to a group of MS-13 members in Maryland. MS3 saw PINEDA PENADO collecting money from the MS-13 members for the opportunity to have sex with the juvenile female. PINEDA PENADO stated that the juvenile female was a runaway.

15. Law enforcement also interviewed, on multiple occasions within the last eighteen months, a juvenile female ("JV1"). JV1 stated that she was prostituted by PINEDA PENADO in late 2009 and 2010 when she was just fifteen and sixteen years of age.

16. JV1 would run away from home and would stay with MS1 and another MS-13 member named Rances Ulices Amaya, a.k.a. "Blue," a.k.a. "Murder." According to JV1, PINEDA PENADO was always hanging around MS1 and Blue. After being on the run for three weeks, the MS-13 members threatened to harm JV1's boyfriend if she did not agree to prostitute for them. Following these threats and the forcing of a prostitution "client" onto JV1, JV1 was prostituted by MS1, Blue, and PINEDA PENADO.

17. JV1 stated that, at first, PINEDA PENADO helped MS1 with his prostitution business by setting up prostitution appointments with paying clients. Later, according to JV1, PINEDA PENADO ran his own prostitution operation independent of MS1. While she was being exploited by PINEDA PENADO, JV1, on several occasions, viewed his cellular phone and observed contact information for prostitution "clients" stored on the phone. The names of the clients were listed as "clients" or "cliens" on PINEDA PENADO's phone and were followed by a telephone number. JV1 stated that PINEDA PENADO and MS1 were very protective of their cell phones and recalled an incident when PINEDA PENADO and MS1 almost got into a physical confrontation when PINEDA PENADO attempted to view MS1's contact list of clients in MS1's phone.

18. JV1 was prostituted at various hotels in Northern Virginia. JV1 recalls that one night the police came to a hotel in Northern Virginia, which caused MS1 and Blue to flee, leaving JV1 and another victim, JV2, alone at the hotel for the remainder of the night. The next morning PINEDA PENADO came to the hotel and picked up JV1. When JV1 asked where MS1 and Blue were, PINEDA PENADO replied that they "were out of business" and that she would be working for him now. Specifically, PINEDA PENADO said, "we're your owners now."

19. PINEDA PENADO transported JV1 from the hotel in Northern Virginia to an MS-13 controlled house in Maryland. JV1 was intimidated by PINEDA PENADO and was too scared to resist his transporting her to Maryland for prostitution.

20. For the next two weeks, PINEDA PENADO prostituted JV1 as well as at least one other juvenile female. PINEDA PENADO coordinated prostitution appointments with his cell phone and usually scheduled two-three appointments per day, at least three days a week. JV1 estimates that she had sexual intercourse in exchange for money with approximately twenty clients over the two week period she was prostituted by PINEDA PENADO. The customers generally came to an MS-13 controlled house in Maryland and the majority of the prostitution appointments took place there. PINEDA PENADO orchestrated JV1's appointments at this house.

21. PINEDA PENADO imposed certain rules on JV1 regarding prostitution: always use a condom, do not tell clients your real name or age, charge extra for any sex act beyond vaginal sex, and act like you are enjoying it so that the client will climax faster. PINEDA PENADO provided JV1 with Trojan brand condoms for purposes of facilitating the prostitution appointments. In addition, he also supplied JV1 with "Blue Dream" marijuana, crystal meth, ecstasy, Patron brand tequila, and Heineken beer to keep JV1 more compliant and easier to take

advantage of.

22. JV1, who was intimidated by PINEDA PENADO, planned an escape from being prostituted by PINEDA PENADO. JV1 convinced PINEDA PENADO to take her to see a supposed wealthy, regular client in Virginia. As JV1 and PINEDA PENADO got in the car, he said "If you fuck with me, you know what's gonna happen." At around 5:00 p.m., they left Maryland and drove to Route 1 in Virginia. When PINEDA PENADO made a stop at a convenience store in Virginia, JV1 exited the vehicle and ran to a friend who, by prearrangement, was waiting in a nearby car that had tinted windows where JV1 could conceal herself.

23. One week after she escaped from PINEDA PENADO, JV1 turned herself in to the Alexandria Juvenile Detention Center, where she stayed for two months.

24. According to MS1, PINEDA PENADO had sexual intercourse with JV1 prior to prostituting her so that PINEDA PENADO could see how she "fucked."

25. Through independent research, I discovered that commercially available condoms, including Trojan brand condoms, cross state lines prior to being sold in retail establishments in the Commonwealth of Virginia. In addition, based upon my investigation, as well as training and experience, PINEDA PENADO utilized the following items to facilitate his prostitution scheme: imported alcohol, cellular phones, hotels/motels frequented by travelers, and interstate highways. Finally, PINEDA PENADO also transported JV1 across state lines between Maryland and Virginia in furtherance of his juvenile prostitution scheme.

26. Based on the foregoing, there is probable cause to believe that on or about the fall 2009 through Spring of 2010, in Alexandria, Arlington, Fairfax, and Falls Church, Virginia within the Eastern District of Virginia, YIMMY ANTHONY PINEDA PENADO, a.k.a.

"Critico," a.k.a. "Spike," did knowingly, in or affecting interstate or foreign commerce, recruit, entice, harbor, transport, provide, obtain, and maintain by any means a person, knowing, or in reckless disregard of the fact, that the person had not attained the age of 18 years and would be caused to engage in a commercial sex act, and aided and abetted the same, in violation of Title 18, United States Code, Sections 1591(a)(1) and 2.

FURTHER THIS AFFIANT SAYETH NOT.



Richard M. Baer  
Special Agent  
Federal Bureau of Investigation

Sworn to and deposed to me this 18<sup>th</sup> of July, 2012.

At Alexandria, Virginia

 /s/

Ivan D. Davis  
United States Magistrate Judge